



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/991,855	12/16/1997	TAKAHIRO KII	1083.1046/JD	3105
21171	7590	08/23/2005	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			POON, KING Y	
			ART UNIT	PAPER NUMBER
			2624	

DATE MAILED: 08/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 08/991,855	Applicant(s) KII ET AL.	
	Examiner King Y. Poon	Art Unit 2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 June 2005 and 09 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 December 1997 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/9/2005 has been entered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-31 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding claims 1, 7, 9, 17, 21, 26: The limitation of "having reply contents independent of the message content of the electronic message allowing use of said plural fixed form replies with other electronic message" is subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in

Art Unit: 2624

the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding claim 13: The limitation of "having reply contents independent of the message content of the electronic message allowing use of the first set of plural fixed form replies with other electronic message" is subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding claim 25: The limitation of "containing a plurality of replies and contents independent of the content of the electronic message allowing use of the plural fixed form replies with other electronic message" is subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding claim 28: The limitation of "having reply contents independent of the message content of the electronic message allowing use of the replies with more than one of messages" is subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding claim 29: The limitation of "pre-creating contents independent reusable plural fixed form replies, the plural fixed form replies being freely assignable to a received electronic message" is subject matter which was not described in the

Art Unit: 2624

specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding claim 30: The limitation of "storing plural fixed form replies independent of the content of a first electronic message; selecting any one of the stored plural fixed form replies including fixed form replies having contents independent of the message content of the first electronic message" is subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding claim 31: The limitation of "fixed form replies being freely assignable to the electronic messages including electronic message unrelated thereto" is subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding claims 2-6, 8, 10-12, 14-20, 22-24, 27: Claims 2-6, 8, 10-12, 14-20, 22-24, 27 are rejected under 35 U.S.C. 112, first paragraph because they depends on rejected claims 1, 7, 9, 13, 17, 21, 25, 26, 28-31.

Applicant's specification, page 3, lines 24-25, disclosed "managing the free form reply to the message in RELATION to the specifying data of the message" indicates the reply is related to the message (not independent of the message or freely assigned to the message. Page 15, lines 15-20, disclosed "the data manager unit reads out the

Art Unit: 2624

selecting text data RELATING to the message from text data for a fixed form reply...” indicates the system is programmed to connected a particular message to (pointed to; not freely assignable once the connection is programmed) a particular fixed form reply (not any fixed form reply).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 26-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Peters (US 5,893,098).

Regarding claim 26: Peters teaches a method of managing an electronic message having a message content and reply choices (fig. 6) to the electronic message, comprising: storing plural of fixed form replies (e.g., column 16, lines 45-55) in advance of the electronic message (the question could be entered after the reply, column 17, lines 25-35, column 18, lines 40-45) and the replies having a reply contents independent of the message content of the electronic message (column 17, lines 25-35, teaches that the message content and the reply are independently entered) allowing

Art Unit: 2624

use of the plural fixed form reply with other electronic message (column 17, lines 40-45, teaches rely "yes" to message "leave" is also used together with message "destination" or column 16, lines 10-12); outputting (the program that controls the transmitting of survey document, column 8, lines 35-45) the electronic message with the plural fixed form replies, selecting, subsequent to inputting the electronic message, certain of the outputted fixed form replies out of the outputted plural fixed form replies as the reply choices to the message (e.g., fig. 6).

Regarding claim 27: Peter teaches a fixed form reply managing means (collation mean, column 8, lines 63) for managing the plural fixed form replies by data for respectively specifying the plural fixed form replies, (the survey document and its data, column 8 line 63-68, column 9 line 1-19) and totaling means (adding, column 4, lines 25-27, of the reply data is equivalent to the teaching of using a totaling means in Peter's system because the function of a totaling mean is to add, and Peter would need a totaling means for performing the addition) for totaling a number of the selection of each of the plural fixed form replies as the reply choice to the message, and storing results of the totalization of each of the plural fixed form replies to the message in relation to said specifying data (graphic plot with added and manipulated data, column 4 line 25-27).

Regarding claim 28: Peters teaches a method of managing an electronic message having message content (column 14, lines 19-32) comprising: storing replies (# 102 of fig. 13, fig. 6, column 3, lines 64-68, column 4, lines 30-45, column 16, lines 45-55) for the electronic message (column 14, lines 19-32) with the replies having reply contents independent of the content of the electronic message (column 17, lines 25-35,

Art Unit: 2624

teaches that the message and the reply are independently entered) allowing use of the fixed form reply with other electronic message (column 17, lines 40-45, teaches rely "yes" to message "leave" is also used together with message "destination"); receiving the electronic message and presenting the electronic message to a recipient (respondents column 19, lines 5-25); presenting the replies to the recipient and allowing the recipient to select one of the replies which fits the electronic message out of the presented reply; (e.g., fig. 6) and sending the selected one of the replies (column 8, lines 47-55).

Regarding claim 29: Peters teaches a method of managing electronic messages having corresponding message content (column 14, lines 19-32) comprising: pre-creating content independent reusable plural fixed form replies (on selection data values chosen automatically, column 15, lines 60-67, column 16, lines 1-15; column 16, lines 45-55; the on values would be yes, no, or not sure and would be reused by other questions), the plural fixed form replies being freely assignable to a received electronic message; and allowing a recipient (respondent, column 4, lines 30-45) of the electronic message (question, column 15, lines 5-10) to assign one of the plural fixed form replies (select yes, no or not sure out of the set of reply contains yes, no, or not sure, column 16, lines 45-55) as a reply to the electronic message.

Regarding claim 30: Peter teaches an electronic news system (fig. 13) for managing electronic messages (see the question of options that best describes a vehicle of fig. 6) having a message content and a reply, (see fig. 6) comprising: storage means (# 102 of fig. 13, fig. 6, bulletin board of column 3 line 5-15, and column 37 line

Art Unit: 2624

59-65) for storing plural of fixed form replies, (e.g., column 16, lines 45-55) independent (column 17, lines 25-35, teaches that the message and the reply are independently entered) of the content of a first electronic message (e.g., column 15, lines 1-3) sending the first electronic message (the program that controls the transmitting of survey document, column 8, lines 35-45); selecting any one of (e.g., user selects yes, no, or am not sure, column 16, lines 45-55) the stored plural fixed form replies including fixed form replies having contents independent of the content of the first electronic message; sending a second electronic message (other type of questions); selecting any one of the (e.g., user selects a reply corresponds to the field values; note the field values represents the response of the reply, column 16, lines 1-15) stored plural fixed form replies having contents independent of a message content of the second electronic message.

Regarding claim 31: Peters teaches a method for managing electronic messages, comprising: retrieving stored selectable fixed form replies upon receiving an electronic message (column 17), the selectable fixed form replies being freely assignable to the electronic messages including electronic messages unrelated thereto (on selection data values chosen automatically, column 15, lines 60-67, column 16, lines 1-15; column 16, lines 45-55; the on values would be yes, no, or not sure and would be reused by other questions); and displaying (e.g., fig. 6) the received electronic message with a selected fixed form reply among the retrieved selectable fixed form replies, where a desired reply from the selectable fixed form replies is selected as a reply choice to the received electronic message (e.g., user selects a reply corresponds

Art Unit: 2624

to the field values; note the field values represents the response of the reply, column 16, lines 1-15).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-4, 6-22, 24, 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peter et al. (U.S. Patent # 5893098) and Pinter (U.S. Patent # 5894506).

Regarding claim 1: Peter teaches an electronic news system (fig. 13) for managing electronic messages (see the question of options that best describes a vehicle of fig. 6) having a message content and a reply, (see fig. 6) to the message comprising: storage means (# 102 of fig. 13, fig. 6, bulletin board of column 3 line 5-15, and column 37 line 59-65) for storing plural fixed form replies, inputted in advance of the electronic message (the question could be entered after the reply, column 17, lines 25-35, column 18, lines 40-45) and having a reply content independent of the message content of the electronic message (column 17, lines 25-35, teaches that the message and the reply are independently entered) allowing use of the plural fixed form replies

Art Unit: 2624

with other electronic message (column 17, lines 40-45, teaches rely “yes” to message “leave” is also used together with message “destination”); input means (the program that allows the input of the message/question only, column 14, lines 24-30) for inputting the electronic message without information about a reply to the message; output means (the program that controls the transmitting of survey document, column 8, lines 35-45) for outputting the message with the plural fixed form replies to the message (survey document, e.g., fig. 8) retrieved from the storage means, the plural fixed form replies independent of the message (e.g., fig. 8) and control means (2 of fig. 1) for accepting selected fixed form reply out of the outputted plural fixed form replies (see column 8 line 48-55) as the reply to the message.

Peter does not specifically disclose that the message and the reply data are stored separately.

However, Pinter, in the same area of managing an electronic message and a reply to the message, (abstract, column 1, lines 40-65, column 2, lines 1-35) teaches to store a reply data (response options, column 2, lines 34) separately from a message (canned messages, column 2, lines 14, column 1, lines 40-50; the canned messages are stored in a canned message file, column 1, lines 50-67, and the response options are stored in a multiple response options file, column 2, lines 23-27, column 5, lines 15-20).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of invention to have modified the electronic system of Peter by: storing the reply data separately from the message.

It would have been obvious to a person having ordinary skill in the art at the time of invention to have modified Peter by the teaching of Pinter because of the following reasons: (a) it would have allowed a user to retrieve and display the message and question quickly, and would have been helpful for the user, (b) it would have allowed the system being easily maintained and altered, (c) it would have provided an improved electronic message system, as taught by Pinter, at column 1, lines 35-40, and (d) storing the "reply data" and the "message" separately provides the advantages of keeping easy inventory of the reply to each message and allowed the user(s) to keep track of each reply and each message in a separate file. Thereby, the reply and the message can be easily managed and accessible to the user(s).

Regarding claim 2: Peter teaches a fixed form reply managing means (collation mean, column 8, lines 63) for managing a plurality of replies by data for respectively specifying the plurality of replies, (the survey document and its data, column 8 line 63-68, column 9 line 1-19) and totaling means (adding, column 4, lines 25-27, of the reply data is equivalent to the teaching of using a totaling means in Peter's system because the function of a totaling mean is to add, and Peter would need a totaling means for performing the addition) for totaling a number of the selection of each of fixed form replies as the reply to the message, and storing results of the totalization of each of fixed form replies to the message in relation to said specifying data (graphic plot with added and manipulated data, column 4 line 25-27).

Regarding claim 3 and 4: Peter teaches the control means has means for accepting an input of a free form reply by the respondent user in reply to the survey

Art Unit: 2624

message, (See column 8 line 48-57), and managing the inputted free form reply in relation to data to specify the message. (Managing free form reply data associated with the message (fig. 6) by constructing a data base for it, Column 8, lines 48-57).

Regarding claim 6: Peter teaches wherein the control means includes means for causing the output means to output data for a fixed form reply of the kind which fits contents of the message. (See a respondent for producing a response document with replies which fits contents of the message, and automatically transmit (causing the output means to output data) the reply back to a collation mean, column 8, lines 39-55).

Regarding claim 7: Peter et al teaches an electronic news system (fig. 1 and fig. 13) including a client apparatus (# 7 of fig.1) and a server apparatus (# 1, 2 of fig.1) which manages an electronic message having a message content (see the question of options that best describes a vehicle of fig. 6) and a reply to the message transmitted from the client apparatus (see abstract) the client apparatus comprising: storage means (# 102 of fig. 13, fig. 6, bulletin board of column 3 line 5-15, and column 37 line 59-65) for storing plural fixed form replies, inputted in advance of the message (the question could be entered after the reply, column 17, lines 25-35, column 18, lines 40-45) and having a reply content independent of the content of the electronic message (column 17, lines 25-35, teaches that the message and the reply are independently entered) allowing use of the plural fixed form replies with other electronic message (column 17, lines 40-45, teaches rely "yes" to message "leave" is also used together with message "destination"); input means (new question menu and the area for question text, column 12, lines 55-61) for inputting the electronic message without information about a reply to

Art Unit: 2624

the message; output means (the program that controls the transmitting of survey document, column 8, lines 35-45) for outputting the message with said plural fixed form replies to the message (survey document, e.g., fig. 8) retrieved from the storage means, the plural fixed form replies being independent of the message (e.g., fig. 8); a control mean (see processing apparatus of column 12 line 10) for accepting selected fixed form reply out of the outputted plural fixed form replies as the reply to the message (see fig. 6, and column 8 line 48-55); and a communication control means (the output means used to output the response document, column 8, line 53) for transmitting the selection to the server apparatus.

Peter does not specifically disclose that the message and the reply data are stored separately.

However, Pinter, in the same area of managing an electronic message and a reply to the message, (abstract, column 1, lines 40-65, column 2, lines 1-35) teaches to store a reply data (response options, column 2, lines 34) separately from a message (canned messages, column 2, lines 14, column 1, lines 40-50; the canned messages are stored in a canned message file, column 1, lines 50-67, and the response options are stored in a multiple response options file, column 2, lines 23-27, column 5, lines 15-20).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of invention was made to have modified the electronic system of Peter by: storing the reply data separately from the message.

It would have been obvious to a person having ordinary skill in the art at the time of invention to have modified Peter by the teaching of Pinter because of the following reasons: (a) it would have allowed a user to retrieve and display the message and question quickly, and would have been helpful for the user, (b) it would have allowed the system being easily maintained and altered, (c) it would have provided an improved electronic message system, as taught by Pinter, at column 1, lines 35-40, and (d) storing the "reply data" and the "message" separately provides the advantages of keeping easy inventory of the reply to each message and allowed the user(s) to keep track of each reply and each message in a separate file. Thereby, the reply and the message can be easily managed and accessible to the user(s).

Regarding claim 8: Peter teaches means for accepting an input of a free form reply to the message reply in the control means (see column 8 line 51-52, and fig. 6), and the server apparatus comprises free form reply managing means for managing the free form reply (see 102 and collator of fig. 13) transmitted from the client apparatus in relation to data for specifying the message. (See the reply associated with the message from the client in the server by loading the data base with replies, such that the replies associate with the message are all conveniently presented in the database, column 8 line 54-59, and column 4 line 24-27).

Regarding claim 9: Peter teaches an electronic news system (fig. 1, fig. 13) having a client (8 of fig. 1) and a server apparatus (1 of fig. 1) which manages electronic messages having corresponding message content (response document of column 8 line 53) transmitted from the client, (see abstract, column 8 line 45-59, column 4 line 24-27)

Art Unit: 2624

the server apparatus comprising: storage means (# 102 of fig. 13, fig. 6, bulletin board of column 3 line 5-15, and column 37 line 59-65) for storing plural fixed form replies, inputted in advance of the message (the question could be entered after the reply, column 17, lines 25-35, column 18, lines 40-45) and having a reply content independent of the message content of the electronic message (column 17, lines 25-35, teaches that the message and the reply are independently entered) allowing use of the plural fixed form replies with other electronic message (column 17, lines 40-45, teaches rely "yes" to message "leave" is also used together with message "destination"); and a communication control means for transmitting said plural fixed form replies to the client apparatus; (see column 2 line 62, fig. 6); the client apparatus comprising: a receiving control means (column 12 line 10, the processor used to control receiving of data) for receiving the plural fixed form replies sent from the server apparatus, (see column 8 line 45-46), the plural fixed form replies independent of the electronic message (e.g., fig. 8); input means (the entering device for the author used to edit the question, column 14, lines 30-50, column 15, lines 1-30) for inputting the electronic message without information about a reply to the message; output means (the processor, column 12, line 10, used to control outputting of data) for outputting the message with the plural fixed form replies to the message in a screen (e.g., fig. 6); a control means (column 8 line 50) for accepting a selected (e.g., fig. 6) fixed form reply out of the outputted plural fixed form replies (see column 8 line 48-55) as a reply to the message, and transmission control means (the control used to transmit the response, column 8, line 53) for

controlling the transmission for transmitting the selected reply (document) to the server apparatus. (See column 8 line 50-55, 2, fig. 1, abstract)

Peter does not specifically disclose that the message and the reply data are stored separately.

However, Pinter, in the same area of managing an electronic message and a reply to the message, (abstract, column 1, lines 40-65, column 2, lines 1-35) teaches to store a reply data (response options, column 2, lines 34) separately from a message (canned messages, column 2, lines 14, column 1, lines 40-50; the canned messages are stored in a canned message file, column 1, lines 50-67, and the response options are stored in a multiple response options file, column 2, lines 23-27, column 5, lines 15-20).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of invention to have modified the electronic system of Peter by: storing the reply data separately from the message.

It would have been obvious to a person having ordinary skill in the art at the time of invention to have modified Peter by the teaching of Pinter because of the following reasons: (a) it would have allowed a user to retrieve and display the message and question quickly, and would have been helpful for the user, (b) it would have allowed the system being easily maintained and altered, (c) it would have provided an improved electronic message system, as taught by Pinter, at column 1, lines 35-40, and (d) storing the "reply data" and the "message" separately provides the advantages of keeping easy inventory of the reply to each message and allowed the user(s) to keep

track of each reply and each message in a separate file. Thereby, the reply and the message can be easily managed and accessible to the user(s).

Regarding claim 10: Peter teaches wherein the client apparatus comprises fixed form reply managing means (column 8 line 50) for managing a plurality of fixed form replies by data for respectively specifying the plurality of replies (response) (see column 8 line 50-68, fig. 6), and communication control means, (control program of the processor used to control data transmission, column 8, lines 53) for transmitting specifying data of the selected reply to the server apparatus as a reply, (See column 8 line 50-67), and the server apparatus comprises communication control means (control used to controlling data receiving, column 3, lines 35-40) for receiving the specifying data transmitted from the client apparatus as a reply, (see column 3 line 35-40), and totaling means (adding, column 4, lines 25-27, of the reply data is equivalent to the teaching of using a totaling means in Peter's system because the function of a totaling mean is to add, and Peter would need a totaling means for performing the addition) for totaling a number of the selection of each reply as the reply to the message based on the specifying data, and storing the results of the totalization of each reply to the message in relation the specifying data (graphic plot with added and manipulated data, column 4 line 25-27).

Regarding claims 11 and 12: Peter teaches wherein the client apparatus comprises means for accepting an input of a free form reply to the message in a control means (see column 8, line 51-52, and fig. 6); and the server apparatus comprises free form reply managing means for managing free form reply (see 102 and collator of fig.

Art Unit: 2624

13, column 8, line 60-68) transmitted from the client apparatus in relation to the data for specifying the message (column 8, lines 54-68, and column 4, lines 24-27).

Regarding claim 13: Peter teaches an electronic news system (fig. 1, fig. 13) including a client (8 of fig. 1) apparatus and a server apparatus (1 of fig. 1) which manages an electronic message having a message content and a reply to the message (response document of column 8 line 53) transmitted from the client apparatus, (see abstract, column 8 line 45-59, column 4 line 24-27) the server apparatus comprising: storage means (fig. 6, bulletin board of column 3 line 5-15, and column 37 line 59-65) for storing a first set of plural fixed form replies, the messages are independent from the fixed form reply (e.g., fig. 8), and inputted in advance of the message (the question could be entered after the reply, column 17, lines 25-35, column 18, lines 40-45) and having a reply content independent of the message content of the electronic message (column 17, lines 25-35, teaches that the message and the reply are independently entered) allowing use of the first set of fixed form replies with other electronic messages (column 17, lines 40-45, teaches reply "yes" to message "leave" is also used together with message "destination"); and a communication control means for transmitting the first set of plural fixed form replies to the client apparatus (see column 2 line 62, fig. 6); the client apparatus comprising: a receiving control means (column 12 line 10, the processor used to control receiving of data) for receiving the first set of plural fixed form replies sent from the server apparatus, (see column 8 line 45-46), storing means (the storage in the client that is used to store the E-mail, column 3, lines 5-30, column 4, lines 25-50) for storing a second set of plural fixed form replies, (two fixed form reply,

Art Unit: 2624

column 4, lines 25-48), input means (the entering device for the author used to edit the question, column 14, lines 30-50, column 15, lines 1-30) for inputting the electronic message without information about a reply to the message; output means (the processor, column 12, line 10, used to control outputting of data) for outputting the message with the first set of plural fixed form replies or the second set of fixed form replies in a screen (e.g., fig. 6, fig. 8); control means (column 8 line 50) for accepting a selected fixed form reply (fig.6) out of the outputted the first set of plural fixed form replies (see column 8, lines 48-55) or the second set of plural fixed form replies based on the category (the category of person that like chocolate, column 4, lines 35-50) of the message as the reply to the message, and means for controlling transmission (the control used to transmit the response, column 8, line 53) for transmitting the selected reply (document) out of the first set of plural fixed form replies or the second set of plural fixed form replies to the server apparatus. (See column 8, lines 50-55, 2, fig. 1, abstract).

Peter does not specifically disclose that the message and the reply data are stored separately.

However, Pinter, in the same area of managing an electronic message and a reply to the message, (abstract, column 1, lines 40-65, column 2, lines 1-35) teaches to store a reply data (response options, column 2, lines 34) separately from a message (canned messages, column 2, lines 14, column 1, lines 40-50; the canned messages are stored in a canned message file, column 1, lines 50-67, and the response options

Art Unit: 2624

are stored in a multiple response options file, column 2, lines 23-27, column 5, lines 15-20).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of invention to have modified the electronic system of Peter by: storing the reply data separately from the message.

It would have been obvious to a person having ordinary skill in the art at the time of invention to have modified Peter by the teaching of Pinter because of the following reasons: (a) it would have allowed a user to retrieve and display the message and question quickly, and would have been helpful for the user, (b) it would have allowed the system being easily maintained and altered, (c) it would have provided an improved electronic message system, as taught by Pinter, at column 1, lines 35-40, and (d) storing the "reply data" and the "message" separately provides the advantages of keeping easy inventory of the reply to each message and allowed the user(s) to keep track of each reply and each message in a separate file. Thereby, the reply and the message can be easily managed and accessible to the user(s).

Regarding claim 14: Peter teaches that the server apparatus comprises: fixed form reply managing means (2 of column 12 line 5-6) for managing a plurality of first fixed form replies (fig. 6, and fig. 8) with data for respectively specifying (see the specifying reply data of fig. 6, fig. 8) the replies, and means (column 3 line 5-17) for transmitting the specifying data of the first fixed form reply to the client apparatus along with the reply. The client apparatus comprises: fixed form reply managing means (see respondent control means of column 8 line 49-50) for managing a plurality of second

Art Unit: 2624

fixed form replies (fig. 8) with the data for respectively specifying said replies, (column 8 line 45-68) and means (2 of column 12 line 5-6, abstract) for causing the transmission controlling means to transmit the selected second reply or the selected specifying data of the first reply to the server apparatus as a reply (see column 8 line 50-55). The server apparatus further comprises: means (column 3 line 5-17) for transmitting specifying data of the second fixed form reply to the client apparatus; means (collator of fig. 13, abstract) for receiving the second reply or specifying data of the first reply transmitted from the client apparatus as a reply in the communication control means; and totaling means (adding, column 4, lines 25-27, of the reply data is equivalent to the teaching of using a totaling means in Peter's system because the function of a totaling mean is to add, and Peter would need a totaling means for performing the addition) for totaling a number of the selections of each reply as the reply to the message based on the specifying data, and storing the results of the totalization of each reply to the message in relation the specifying data (graphic plot with added and manipulated data, column 4 line 25-27). The client apparatus further comprises: means for receiving (see processing apparatus of column 12 line 10) the specifying data of the second fixed form reply sent from the server apparatus in the receiving control means, (abstract) and means (see display of 7 of fig. 1, and processing apparatus of column 12 line 10) for outputting the stored second fixed form reply based on the specifying data in the output means.

Regarding claims 15 and 16: Peter teaches wherein the client apparatus comprises means for accepting an input of a free form reply (response) to the message,

Art Unit: 2624

in a control means (see column 8 line 51-52, and fig. 6), and the server apparatus comprises free form reply managing means for managing the free form reply (see 102 and collator of fig. 13) in relation to data for specifying the reply message (column 8 line 60-68) transmitted from the client, in the server by loading the data base with replies, such that the replies are all conveniently presented in the database. (See column 8 line 54-59, and column 4 line 24-27).

Regarding claims 17-20: Peter teaches a recording medium (column 10 line 11) readable by a computer to control the system of claims 1-4. Please see discussion on claims 1-4.

Regarding claims 21: Peter et al teaches a message system (fig. 1) for an electronic message having a message content (column 14, lines 24-30) comprising: a reply data storage device storing a plural fixed form replies (see bulletin board and column 3 line 1-13) each of the plural fixed form replies containing replies (e.g., fig. 6) having a reply contents independent of the message content of the electronic message (column 17, lines 25-35, teaches that the message content and the reply are independently entered) allowing use of the plural fixed form reply with other electronic message (column 17, lines 40-45, teaches reply "yes" to message "leave" is also used together with message "destination"); an input device (the entering device for the author used to edit the question, column 14, lines 30-50, column 15, lines 1-30) for inputting the electronic message without information about a reply to the message; a controller (the control of the computer used as a bulletin board, e.g., # 1 of fig. 1) for receiving the message from a host (2, fig. 1, abstract) and allowing a user to retrieve a reply out of

Art Unit: 2624

the plural fixed form replies (see column 4, lines 35-40) stored in the reply data storage device, the plural fixed form reply being independent of the message (e.g., fig. 8), inputted in advance of the message (the question could be entered after the reply, column 17, lines 25-35, column 18, lines 40-45); and an output device (the control controlling transmitting of data, column 8, line 53) outputting the selected reply to the host. (See column 8 line 53, abstract).

Peter does not specifically disclose that the message and the reply data are stored separately.

However, Pinter, in the same area of managing an electronic message and a reply to the message, (abstract, column 1, lines 40-65, column 2, lines 1-35) teaches to store a reply data (response options, column 2, lines 34) separately from a message (canned messages, column 2, lines 14, column 1, lines 40-50; the canned messages are stored in a canned message file, column 1, lines 50-67, and the response options are stored in a multiple response options file, column 2, lines 23-27, column 5, lines 15-20).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of invention to have modified the electronic system of Peter by: storing the reply data separately from the message.

It would have been obvious to a person having ordinary skill in the art at the time of invention to have modified Peter by the teaching of Pinter because of the following reasons: (a) it would have allowed a user to retrieve and display the message and question quickly, and would have been helpful for the user, (b) it would have allowed

Art Unit: 2624

the system being easily maintained and altered, (c) it would have provided an improved electronic message system, as taught by Pinter, at column 1, lines 35-40, and (d) storing the "reply data" and the "message" separately provides the advantages of keeping easy inventory of the reply to each message and allowed the user(s) to keep track of each reply and each message in a separate file. Thereby, the reply and the message can be easily managed and accessible to the user(s).

Regarding claim 22: Peter teaches that the selection of a fixed form reply is based on a category (yes or no to "do you like chocolate", column 4, lines 30-50) of the message.

Regarding claim 24: Peter teaches wherein the host receives a plurality of the outputted selected fixed form replies and displays a bar graph illustrating a frequency of responses (see column 4, lines 24-27, fig. 12, column 20, lines 40-67, column 21, lines 1-10).

Regarding claim 25: Peter teaches a computer readable storage medium storing a computer program (column 10 line 1-35) instructing computers to perform operations for an electronic message having a message content, (column 14, lines 24-30): storing plural fixed form replies (see bulletin board and column 3, line 1-13) containing a plurality of replies and contents independent of the content of the electronic message (column 17, lines 25-35, teaches that the message and the reply are independently entered) allowing use of the plural fixed form replies with other electronic message (column 17, lines 40-45, teaches rely "yes" to message "leave" is also used together with message "destination"); inputting (new question menu and the area for question

Art Unit: 2624

text, column 12, lines 55-61) the electronic message without information about a reply to the message;(fig. 6) storing the message, (see bulletin board and column 3 line 1-13, yes of the question "do you like chocolate", column 4, lines 30-45) the message being inputted after the fixed form replies (the question could be entered after the reply, column 17, lines 25-35, column 18, lines 40-45); receiving the message (column 4, lines 30-50) from a host; (2, fig. 1, abstract) selecting a reply from the plural fixed form replies (yes, or no, column 4, lines 25-50) independent of the message (e.g. fig. 8); allowing a user to choose a reply from the selected fixed form reply (column 4, lines 25-50) out of the plural fixed form replies; sending the chosen reply to the host (column 8, lines 53), computing the frequency of chosen replies sent to the host (see column 4, lines 24-27, fig. 12, column 20, lines 40-67, column 21, lines 1-10).

Peter does not specifically disclose that the message and the reply data are stored separately.

However, Pinter, in the same area of managing an electronic message and a reply to the message, (abstract, column 1, lines 40-65, column 2, lines 1-35) teaches to store a reply data (response options, column 2, lines 34) separately from a message (canned messages, column 2, lines 14, column 1, lines 40-50; the canned messages are stored in a canned message file, column 1, lines 50-67, and the response options are stored in a multiple response options file, column 2, lines 23-27, column 5, lines 15-20).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of invention to have modified the electronic system of Peter by: storing the reply data separately from the message.

It would have been obvious to a person having ordinary skill in the art at the time of invention to have modified Peter by the teaching of Pinter because of the following reasons: (a) it would have allowed a user to retrieve and display the message and question quickly, and would have been helpful for the user, (b) it would have allowed the system being easily maintained and altered, (c) it would have provided an improved electronic message system, as taught by Pinter, at column 1, lines 35-40, and (d) storing the "reply data" and the "message" separately provides the advantages of keeping easy inventory of the reply to each message and allowed the user(s) to keep track of each reply and each message in a separate file. Thereby, the reply and the message can be easily managed and accessible to the user(s).

8. Claims 5, 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peters and Pinter as applied to claims 1, 21 above and further in view of Ginter et al. (U.S. Patent # 5982891).

Regarding claims 5, 23: Peter teaches to select a text and still picture as free form reply. (Fig. 6)

Peter in view of Pinter do not teach to select speech, sound, and moving pictures as free form reply.

Ginter et al. teach that usage information used in a survey (see column 36 line 30-40) transmitted from one party to another can be selected from speech, sound, and moving pictures. (See column 58, line 55-65).

Therefore, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Peter in view of Pinter: by selecting the free form reply to be represented in forms of speech, sound, and moving pictures.

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Peter in view of Pinter by the teaching of Ginter et al. because of the following reasons: (a) selecting electronic information to be represented in forms of speech, sound, and moving pictures would have allowed the information being easily understood by a user and would be helpful for the user in making the reply.

Response to Arguments

9. Applicant's arguments filed on 5/9/2005 have been fully considered but they are not persuasive.

With respect to applicant's argument that Peter's does not teach freely assigning a fixed reply from among stored fixed form replies because Peter requires answers to correspond with the survey question, has been considered.

In reply: Applicant's specification, page 3, lines 24-25, disclosed "managing the free form reply to the message in RELATION to the specifying data of the message" indicates the reply is related to the message (not independent of the message or freely

Art Unit: 2624

assigned to the message. Page 15, lines 15-20, disclosed "the data manager unit reads out the selecting text data RELATING to the message from text data for a fixed form reply..." indicates the system is programmed to connected a particular message to (pointed to; not freely assignable once the connection is programmed) a particular fixed form reply (not any fixed form reply).

Fig. 8 clearly show that a user freely assigned yes, no or I am not sure of the fixed form reply to the message.

Conclusion

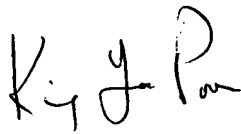
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to King Y. Poon whose telephone number is 571-272-7440. The examiner can normally be reached on Mon-Fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on 571-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2624

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

August 9, 2005

A handwritten signature in black ink, appearing to read 'K. Y. Poon', is positioned above the printed name.

**KING Y. POON
PRIMARY EXAMINER**